

AO 106 (Rev. 7/87) Affidavit for Search Warrant ⊕

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

United States District Court

AUG 23 2005

ALBUQUERQUE, NEW MEXICO DISTRICT OF NEW MEXICO

In the Matter of the Search of

(Name, address or brief deposition of person, property or premises to be searched)

512 Ash Street SE Apartment 1C Albuquerque,
New Mexico including any outbuildings,
vehicles, within the curtilage.MATTHEW J. DYKMAN
CLERK
APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER:

05M514

I, Special Agent Richard Stark being duly sworn depose and say:I am a(n) DEA Special Agent and have reason to believethat ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

See Attachment B

in the Judicial District of New Mexico

there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment A

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)
evidenceconcerning a violation of Title 21 United States Code, Section(s) 841(a)(1), 846, 18 USC SS 1956.

The facts to support a finding of Probable Cause are as follows:

See attached Affidavit in support of an order authorizing the search of the above listed residence/location.

Continued on the attached sheet and made a part thereof:

☒ Yes ☐ No

Signature of Affiant

US v. Jarvis et al 1301

Sworn to before me, and subscribed in my presence,

Date 8/23/05
Alan C. Torgerson
U.S. Magistrate Judge

Name and Title of Judicial Officer

at Albuquerque, New Mexico
City and State

Signature of Judicial Officer

EXHIBIT A

and his drug associates began in April 2002. To date your Affiant has learned the JARVIS DTO purchases ton quantities of marijuana from drug brokers in the state of Arizona. These Arizona based traffickers smuggle the marijuana into the United States from the Republic of Mexico. Once the JARVIS DTO takes possession of the bulk marijuana it is then distributed to drug dealers throughout the United States, to include the states of Colorado, Arizona, New Mexico, Illinois, New York, Connecticut, Massachusetts, Maryland, Ohio, Kentucky, Indiana, and Louisiana. Proceeds from the sale of marijuana are then funneled back to JARVIS and his associates in the form of bulk cash shipments. Many of the bulk cash shipments were transported aboard aircraft owned and/or operated by the JARVIS DTO. Agents have identified Jorge Luis MOFFET-ORTIZ and Ronald JUAREZ, as two Tucson based marijuana sources of supply for the JARVIS DTO.

2. On October 27, 2004, your Affiant was notified by the United States Customs Air Marine Operations Center (AMOC) in Riverside, California that an aircraft bearing tail number N3AJ, an aircraft registered in the name of Dana JARVIS, was enroute to Oklahoma City, Oklahoma from the Tucson, Arizona area. Your Affiant followed the aircraft in another Customs aircraft and landed minutes ahead of them in Oklahoma City. Your Affiant observed Dana JARVIS's daughter, Ayla JARVIS, and the pilot David REID exit the aircraft. The two were followed to a local hotel where A. JARVIS registered in a nominee name. On October 28, 2004, the aircraft was tracked to Bloomington, Indiana. A. JARVIS was followed to a local restaurant where she met with known drug associate Greg HILL. After departing the restaurant location A. JARVIS, the lone driver of the vehicle, was stopped for a traffic violation. During a consensual search of her vehicle, agents discovered \$278,210.00 in bulk United States Currency. Following the seizure of said funds, pilot David REID called the Indiana State Police Officer who seized the money. REID told the officer that if the police department returned half of the monies that were seized, they (REID and A. JARVIS) would donate the other half to the police department.

3. On March 2, 2005, Senior United States District Judge John Edwards Conway signed an order authorizing the interception of wire communications over a cellular telephone utilized by Dana Jarvis, (505) 470-1811 (**TARGET TELEPHONE 1**), subscribed to Richard Belian at Post Office Box 868 in Tesuque, New Mexico. Interceptions pursuant to that order began on March 4, 2005, and were terminated on April 1, 2005.

4. On April 7, 2005, Judge Conway signed an order authorizing the interception of wire communications over three other phones tied to the Jarvis DTO: (1) a cellular telephone utilized by George Ripley, 505-615-1212 (**TARGET TELEPHONE 2**); (2) a cellular telephone utilized by Dana Jarvis, 520-440-

5731 (**TARGET TELEPHONE 3**); and (3) the landline for Dana Jarvis' residence at 13 Enebro Road in Santa Fe, 505-466-4147 (**TARGET TELEPHONE 4**). Interceptions pursuant to that order began on April 7, 2005 and were terminated on May 6, 2005.

5. On May 17, 2005, United States District Judge James O. Browning signed an order authorizing the interception of wire communications over **TARGET TELEPHONES 2, 3, and 4**, as well as the interception a cellular telephone utilized by Jorge Luis Ortiz-Moffett, 520-440-5257 (**TARGET TELEPHONE 5**), and another cellular telephone utilized by Dana Jarvis, 520-705-7133 (**TARGET TELEPHONE 6**), subscribed to RC Computer Graphics 9227 West Weaver Circle in Casa Grande, Arizona. Interceptions pursuant to that order began on May 17, 2005 and were terminated on June 15, 2005.

6. On May 27, 2005, Judge Browning signed an order authorizing the interception of wire communications over yet another cellular telephone utilized by Dana Jarvis, 520-705-7130 (**TARGET TELEPHONE 7**), subscribed to RC Computer Graphics at 9227 West Weaver Circle in Casa Grande, Arizona. Interceptions pursuant to that order began on May 27, 2005.

7. On June 22, 2005, United States District Judge Bruce D. Black signed an order authorizing the interception of wire communications over **TARGET TELEPHONES 2, 3, 5, and 7**. Interceptions pursuant to that order began on June 22, 2005 and were terminated on July 21, 2005.

8. On August 5, 2005, Judge Black signed an order authorizing the interception of wire communications over **TARGET TELEPHONE 2**, as well as a cellular telephone utilized by Ralph Greene, 505-385-2798 (**TARGET TELEPHONE 8**). Interceptions pursuant to that order began on August 5, 2005 and are currently ongoing.

9. On March 8, 2005, at approximately 2:16 p.m. Dana JARVIS received a call from George RIPLEY. RIPLEY called JARVIS from **TARGET TELEPHONE**

2. The call was identified as call # 278. D. JARVIS and RIPLEY spoke of RIPLEY's recent trip (to Ohio). D. JARVIS said, "RB is on his way there...he will be there in a couple of hours." D. JARVIS then asked, "where did you leave the goodies?" RIPLEY replied, "Well I had to go rent a room...a locker...what is a guy to do...but they are pretty cool over there and I paid my bill in full last time and the guy liked me." D. JARVIS asked, "is there some way RB can get in there?" RIPLEY replied, "There is if I call them yeah ... the other thing is I have to next day air him a key ... because I have a lock on it." D. JARVIS said, "You guys barely crossed paths here, him leaving and you coming in, he is taking the fast way back." D. JARVIS later

INTERCEPT

A

away in his own vehicle, and REID was transported back to the airport by D. JARVIS.

INTERCEPT

14. On March 10, 2005, at approximately 1:01 p.m., Barbara HANNA called Dana JARVIS on **TARGET TELEPHONE 1**. D. JARVIS stated that he left Santa Fe and was on his way to Albuquerque. He said "...if you would like to head down to Albuquerque be really convenient for me." HANNA asked D. JARVIS where he would like to meet and he responded "we could meet at the Bernalillo house (1440 Cielo Vista) or somewhere nearby there." HANNA then said "I wanted to talk to you...go over some things and make sure we are all in the clear and all that." D. JARVIS responded "yeah, I'd like to uh, you know...put some money in your pocket to you know." HANNA responded "yeah, I was wondering about that, if I had anything." D. JARVIS stated "yeah, yeah." And then HANNA said "that would be nice."

15. In my training and experience and my participation with this investigation I believe that when HANNA said "I wanted to talk to you...go over some things and make sure we are all in the clear and all that." She was telling D. JARVIS that she wanted to look at the "books," the ledgers to make sure that he did not owe her money for services she performed for his drug organization. When D. JARVIS said "yeah, I'd like to uh, you know...put some money in your pocket to you know," he was saying he owed her some money. When HANNA said "yeah, I was wondering about that, if I had anything," she was saying she was wondering if she had money on the books/ledgers that was owed to her.

16. On March 21, 2005 DEA and ICE agents in Columbus, Ohio observed George RIPLEY arrive at the local airport in a twin engine aircraft bearing tail number N3AJ. Agents observed RIPLEY meet with two different individuals in the parking lot of the airport and take small packages from them. Agents in Albuquerque several days later observed RIPLEY exit the aircraft with said packages. Telephone intercepts and surveillance indicate RIPLEY picked up money for the JARVIS DTO on March 21, 2005.

INTERCEPT

17. On March 28, 2005 agents intercepted calls on **TARGET TELEPHONE 1** between BERTHOD and D. JARVIS and between D. JARVIS and that indicated that BERTHOD had "a massive check" in Colorado that was going to be transferred to D. JARVIS. TRUJILLO volunteered to drive to Colorado from New Mexico to meet BERTHOD and bring the "check" (bulk cash) to D. JARVIS in Tucson, Arizona. On March 28, Denver based DEA agents followed BERTHOD after he left his home in Denver, Colorado and followed him South on Interstate 25 towards the New Mexico border. Colorado Highway Patrol performed a vehicle stop of BERTHOD'S vehicle for a traffic violation. BERTHOD was asked if he would consent to a search of his

approximately \$25,000.00 for drug related jobs he had done for the organization.

29. On August 11 and 18, 2005, CDW-1 was again interviewed by your Affiant in the presence of his defense counsel. When questioned about the involvement of Barbara HANNA, CDW-1 stated that HANNA used to be JARVIS's girlfriend, but continues to work for the drug organization counting bulk cash and verifying funds that are brought back to JARVIS from the various drug distribution cities throughout the United States. CDW-1 stated he used to meet HANNA in public places in Santa Fe like the post office or a bar parking lot and give her bulk cash that he (CDW-1) had picked up from JARVIS's drug associates. CDW-1 stated that HANNA's also told him about "\$80,000.00" that was seized from her at an airport. HANNA said the government gave it back to her after taking out taxes on said funds.⁴ CDW-1 said that "Pat" (whom CDW-1 identified by photograph as Pat BERSSENBRUGGE) was Dana JARVIS's accountant. CDW-1 said that he had once given Pat several thousand dollars in cash in a parking lot to deposit into one of JARVIS's bank accounts. Although CDW-1 believed that BERSSENBRUGGE was "on the up and up," he did not know whether she was aware of JARVIS's illegal activity. CDW-1 said that "Manny" (whom CDW-1 identified by photograph as Manuel GIL) lived in Moriarty, New Mexico, but wrapped marijuana for JARVIS in Tucson. CDW-1 said that Manny (GIL) and JARVIS had been drug associates for many years and that Russell (TRUJILLO) was one of JARVIS's oldest workers. CDW-1 stated that Eileen FITZGERALD was trying to lure several of Dana JARVIS's bulk marijuana distributors away from him so she and her boyfriend (as yet unidentified) could supply them with bulk marijuana.

30. On May 31, 2005, Ayla JARVIS called Sam JONES from **TARGET TELEPHONE 7**. The call was identified as call # 148. A. JARVIS said "dad just told Rip (George RIPLEY) to give it to you on consignment." S. JONES replied "...it's not really what I...it's okay. I appreciate that, but it's not really what I was looking for...in terms of quality."

⁴ Barbara HANNA was stopped at the Dallas Ft Worth Airport on February 5, 1992 after purchasing a one-way ticket, traveling under the false name of Ann HAYES, and exhibiting very nervous behavior when questioned by DEA airport based agents. The DEA agents asked for and received consent to search her hand bag which revealed \$25,000.00 United States currency. A canine trained to alert to the odors of illegal drugs showed a positive alert when run past the \$25,000.00 seized from HANNA. When interviewed, HANNA stated she made the money working as a prostitute and provided inconsistent stories regarding her travel from Boston, MA, a known distribution city for the JARVIS DTO. The 1992 DEA report states there were several documents in HANNA's possession that linked her to Dana JARVIS, but the report does not specify what type of documents.